

1 JOHN BALAZS, Bar #157287
2 Attorney At Law
3 916 2nd Street, Suite F
4 Sacramento, California 95814
5 Telephone: (916) 447-9299
John@Balazslaw.com

6
7
8 Seeking Appointment as Attorney for Defendant
9 FRANCISCO MEDINA CASTANEDA

10
11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14
15
16
17
18
19 UNITED STATES OF AMERICA,) No. CR-S 03-549-EJG
20 Plaintiff,) DEFENDANT FRANCISCO
21 v.) MEDINA CASTANEDA'S
22 FRANCISCO MEDINA) APPLICATION FOR APPOINTMENT
23 CASTANEDA,) OF COUNSEL AND PROPOSED
24 Defendant.) ORDER
25 _____) RETROACTIVE CRACK COCAINE
26) REDUCTION GUIDELINE CASE
27
28

Pursuant to 18 U.S.C. §§ 3006A(c) and 3852(c)(2), Defendant, FRANCISCO MEDINA CASTANEDA, hereby requests the court appoint attorney John Balazs as counsel to represent him with respect to a potential motion to reduce his sentence under recent crack cocaine guideline amendments pursuant to 18 U.S.C. § 3582(c)(2).

Assistant Federal Defender David Porter contacted undersigned counsel and suggested he request appointment regarding a § 3582(c)(2) motion rather than the Federal Defender's Office because counsel had represented Mr. Castaneda as appointed counsel on appeal and at resentencing. Mr. Castaneda is currently incarcerated at USP Coleman, Florida, where he serving the 262-month sentence of imprisonment imposed in this case. Mr. Castaneda has requested to pursue a § 3582(c)(2) motion to reduce his sentence and

1 has requested that Mr. Balazs be appointed to represent him with respect to such a motion.

2 Appointment of counsel would also serve the interests of justice in this case because
3 it might facilitate a negotiated disposition of a § 3582(c)(2) motion. Because Mr.
4 Castaneda's substantial rights may be affected by these criminal proceedings, he is
5 constitutionally entitled to appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134
6 (1967).

7 Accordingly, Mr. Castaneda requests the Court issue the order lodged herewith.

8 Respectfully submitted,

9 Dated: April 24, 2012

10 /s/ John Balazs

11 JOHN BALAZS

12 Attorney for Defendant
13 FRANCISCO MEDINA CASTANEDA

14

15

16 **O R D E R**

17 Pursuant to defendant's request, and good cause appearing therefor, attorney
18 John Balazs is hereby appointed to represent defendant with respect to a motion to reduce
19 sentence.

20 DATED: April 24, 2012

21 /s/ Edward J. Garcia

22 HON. EDWARD J. GARCIA
23 United States District Judge